

AUG. 25. 2005 2:23PM

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NO. 178 P. 1/7



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FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Wallace	Thomas P. McCracken
COMPANY:	DATE:
USPTO	08/25/05
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 746-6711	7
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(703)	408-777-4915
RE:	OUR REFERENCE NUMBER:
Patent Application Ser. No. 10/525,882	DURE-103

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Attached:

1 Copy of form 1390 (Transmittal) originally submitted 02/24/05 (2pp);
1 Application Data Sheet (4pp).

NOTICE:

THIS MESSAGE INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND DESTROY THIS TRANSMISSION. ANY COPYING OR DISTRIBUTION OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

PAGE 1/7 * RCVD AT 8/25/2005 6:13:16 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-5/24 * DNIS:7466711 * CSID:408 777 3577 * DURATION (mm-ss):02-08

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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

Dues-103

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US02/28575

INTERNATIONAL FILING DATE

06/09/2002

PRIORITY DATE CLAIMED

06/09/2002

TITLE OF INVENTION

Implantable Flow Regulator with Failsafe Mode and Reserve Drug Supply

APPLICANT(S) FOR DO/EO/US

Poutative, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.
 2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.
 3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (3), (6), (9) and (21) indicated below.
 4. ☒ The US has been elected (Article 31).
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
 8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☐ An oath or declaration of the Inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(6)).
- Items 11 to 20 below concern document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☐ A preliminary amendment.
 14. ☐ An Application Data Sheet under 37 CFR 1.78.
 15. ☐ A substitute specification.
 16. ☐ A power of attorney and/or change of address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
 18. ☐ A second copy of the published international Application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other item or information: Return Receipt Postcard

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the applicant, as to complete, as to the amount

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Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PC/US02/28515		ATTORNEY'S DOCKET NUMBER DURE-103	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21.	<input checked="" type="checkbox"/>	Basic national fee.....	\$300	\$	300
22.	<input checked="" type="checkbox"/>	Examining fee If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....	\$100	\$	100
All other situations.....			\$200		
23.	<input checked="" type="checkbox"/>	Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100	\$	100
International Search Report prepared and provided to the Office.....			\$400		
All other situations.....			\$500	\$	500
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/ 50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	130
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	29 - 20 =	9	x \$ 50	\$	450
Independent claims	4 - 3 =	1	x \$200	\$	200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	1280
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	1280
				Amount to be refunded:	\$
				Amount to be charged:	\$

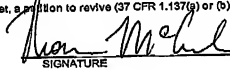
- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. **50-1953** in the amount of \$ **1280.00** to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **50-1953**. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Thomas P. McCracken
DURECT CORPORATION
10240 Burbub Road

SIGNATURE


Thomas P. McCracken
 NAME